

## **RESOLUTION NO. 2020-38**

**A RESOLUTION DECLARING AN EMERGENCY CONCERNING THE SPREAD OF THE SARS-CoV-2 VIRUS AND OUTBREAK OF CORONAVIRUS DISEASE 2019 (COVID-19), AND TAKING OTHER ACTION IN CONNECTION THEREWITH**

WHEREAS, the Washington State Governor issued proclamation 20-05 on February 29, 2020 declaring that the worldwide outbreak of coronavirus disease 2019 (COVID-19) created a State of Emergency in all Washington Counties; and

WHEREAS, the Washington State Governor issued proclamation 20-06 on March 10, 2020 prohibiting certain activities in nursing homes and assisted living facilities to combat the spread of coronavirus disease 2019 (COVID-19); and

WHEREAS, the Washington State Governor issued proclamation 20-07 on March 11, 2020 prohibiting gatherings in King, Pierce, and Snohomish counties of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities to combat the spread of novel coronavirus and COVID-19; and

WHEREAS, the Washington State Governor issued proclamation 20-11 on March 13, 2020 expanding the proclamation 20-07 to all counties of the State of Washington until midnight on March 31, 2020, unless extended beyond that date; and

WHEREAS, the President of the United States issued a “Proclamation on Declaring a National Emergency Concerning novel Coronavirus Disease (COVID-19) Outbreak” on March 13, 2020; and

WHEREAS, the City of Walla Walla passed City Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, RCW 35A.11.020 provides in pertinent part that “[t]he legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law;” and

WHEREAS, Walla Walla has “all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities” pursuant to RCW 35A.21.160; and

WHEREAS, the City of Walla Walla is vested with authority under Art. 11, Section 11 of the Washington State Constitution to make and enforce local police, sanitary, and other regulations; and

WHEREAS, the Walla Walla City Council is vested with authority under RCW 35A.11.020 to protect, regulate, and use public ways, real and personal property of all kinds, waterways, structures and other improvements and to render local social, educational, governmental, and corporate services; and

WHEREAS, RCW 35A.11.040 authorizes the Walla Walla City Council to “accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law;” and

WHEREAS, section 35.21.735 of the Revised Code of Washington declares that “carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for a city, town, county, or public corporation” and authorizes entry into agreements to receive and expend grant funds; and

WHEREAS, RCW 35A.11.040 and Ch. 39.34 RCW authorizes the City of Walla Walla to enter into intergovernmental cooperation agreements, and

WHEREAS, RCW 39.04.280 authorizes emergency purchases; and

WHEREAS, RCW 38.52.070 authorizes cities to enter into contracts and incur obligations necessary to combat emergency situations, protecting the health and safety of persons and property and providing emergency assistance to the victims of such situations without regard to time consuming procedures and formalities prescribed by law, including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds; and

WHEREAS, Ch. 38.52 RCW grants cities broad emergency powers; and

WHEREAS, the Walla Walla City Council has considered this matter during a duly called special public meeting of said Council has considered this matter during such special meeting, has given said matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this resolution;

**NOW THEREFORE, the City Council of the City of Walla Walla resolves as follows:**

***Section 1:*** The City Council declares an emergency due to the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19). The emergency areas include the City of Walla Walla and all parts of Walla Walla and Umatilla Counties where City of Walla Walla facilities, property of any kind, and/or personnel may be located. The City Manager of the City of Walla Walla is designated as the executive head of the City of Walla Walla for purposes of responding to the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19).

***Section 2:*** Competitive bidding requirements are waived for all contracts for public works and contracts for purchases needed to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19) until 9:00 p.m. on April 8, 2020, unless extended beyond that date by further City Council action.

***Section 3:*** The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to execute contracts, agreements, and/or

other documents, and amendments, modifications, and change orders thereto, that are needed to remedy or alleviate immediate threats to the proper performance of essential functions or to avoid or mitigate material loss or damage to property, bodily injury, or loss of life caused by or arising from the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19) or to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19); provided that sufficient appropriations have been made by the Walla Walla City Council. Contracting limitations stated in Walla Walla Municipal Code section 2.09.030 are suspended with respect to contracts authorized by this section until 9:00 p.m. on April 8, 2020, unless extended beyond that date by further City Council action.

**Section 4:** The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to utilize the services, equipment, supplies, and facilities of the City of Walla Walla to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19).

**Section 5:** The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to assign City employees, equipment, and resource to render outside aid in cooperation with emergency management organizations to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19).

**Section 6:** The City Manager of the City of Walla Walla, and designees of the City Manager, are hereby authorized and empowered to employ temporary workers to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19); provided that sufficient appropriations have been made by the Walla Walla City Council.

**Section 7:** The City Manager of the City of Walla Walla, and designees of the City Manager, are further authorized and empowered to command the service and equipment of citizens needed to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19).

**Section 8:** The City Manager of the City of Walla Walla is hereby authorized, empowered, and directed to submit grant applications on behalf of the City of Walla Walla and accept grant funding available to pay and/or reimburse for the damages, costs, and/or other expenses caused by or arising from efforts to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19).

**Section 9:** The City Manager of the City of Walla Walla is hereby authorized to execute such contracts, agreements, certifications, other documents, and amendments thereto, that are necessary to participate in grant programs available to pay and/or

reimburse for the damages, costs, and/or other expenses caused by or arising efforts to address and/or combat the spread of the SARS-CoV-2 virus and outbreak of coronavirus disease 2019 (COVID-19).

**Section 10:** The City Manager of the City of Walla Walla is designated as the chief administrative official and authorized representative in all matters arising out of participation in grants referenced in section 8 herein, and the City Manager of the City of Walla Walla is hereby authorized, empowered, and directed to comply with program requirements on behalf of the City of Walla Walla; provided, however, that the City Manager may delegate authority and assign duties to members of the City of Walla Walla's administrative service.

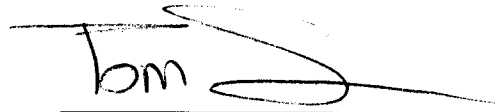
**Section 11:** The City Manager of the City of Walla Walla is hereby authorized and empowered to execute intergovernmental agreements, sub-recipient agreements, and other documents regarding acceptance, receipt and use of grant funding referenced in section 8 herein and participation in such grant programs, and amendments thereto, on the following conditions: (a) the content of any agreement, document or amendment executed by the Walla Walla City Manager shall comply with grant program requirements, (b) no agreement, document or amendment executed by the Walla Walla City Manager shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other non-delegable obligation or responsibility imposed by law, (c) any agreement, document or amendment executed by the City Manager shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following execution of the agreement, document or amendment, and (d) any agreement, document or amendment executed by the City Manager may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

**Section 12:** The City Manager of the City of Walla Walla is hereby authorized and empowered to execute mutual aid agreements needed to render or receive assistance to address and/or combat the outbreak of novel coronavirus disease (COVID-19), and amendments thereto on the following conditions: (a) no agreement, document or amendment executed by the Walla Walla City Manager shall relieve the City of Walla Walla from compliance with enactments of the Walla Walla City Council or any other non-delegable obligation or responsibility imposed by law, (b) any agreement, document or amendment executed by the City Manager shall be reported to the Walla Walla City Council at the first meeting of the Walla Walla City Council following execution of the agreement, document or amendment, and (c) any agreement, document or amendment executed by the City Manager may be revoked and terminated by the Walla Walla City Council at the meeting that it is first reported to the Walla Walla City Council.

**Section 13:** The City Clerk of the City of Walla Walla is hereby authorized and directed to attest all applications, contracts, agreements, intergovernmental agreements,

certifications, and/or other documents, and any amendments, modifications or change orders thereto, made or executed in accordance with this resolution.

**PASSED** by the City Council of the City of Walla Walla, Washington, this 16th day of March, 2020.

A handwritten signature in black ink, appearing to be "Tom" followed by a stylized flourish.

Mayor

Attest:

A handwritten signature in black ink, appearing to be "Kammy" followed by a stylized flourish.

City Clerk

Approved as to form:

A handwritten signature in black ink, appearing to be "Mike" followed by a stylized flourish.

City Attorney